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W.P.A. 6635 of 2020

IA No. CAN 1/2020 (Old CAN No. 5486 of 2020)

(Through Video conference)

Jan Ali Khan

-vs-

The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna

..... for the petitioner.

Mr. Bhaskar Prasad Vaisya

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee(Thakur)

..... for the State Respondents.

Mr. S.M. Hassan

Mr. Rejaul Alam

Ms. Anupama Yasmin

..... for the Respondent Nos. 7 and 8.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Manna, learned Counsel appearing for the writ petitioner, complains of the fact that the Private Respondent Nos. 7 and 8 are raising illegal construction over a plot of land (for short

the said plot) which is co-owned by the petitioner.
Mr. Manna thus prays for police assistance.

Mr. Hassan, learned Counsel appearing for the Private Respondent Nos. 7 and 8, produces a copy of the Judgement and Decree No. 31 dated 28th February, 2011 passed by the learned 2nd Additional Civil Court, (Junior Division) at Contai, District-Purba Medinipore in Title Suit No. 64 of 2009. It is submitted that the suit was decreed ex parte in favour of the plaintiffs/the present Private Respondent Nos. 7 and 8 by declaring their proportionate ownership over the schedule suit property.

It is also submitted that the present petitioner, although being the defendant No.1 in the suit, entered appearance but did not file his written statement. It is further submitted that the plaintiffs in the suit/the present Private Respondent Nos. 7 and 8 are raising construction over their proportionate ownership *qua* the said plot.

Mr. Manna replies by producing an order of the learned Civil Court directing publication of notice of the application filed by the present petitioner/the Defendant No.1 for setting aside the ex parte Judgement and Decree in favour of the plaintiffs/ the present Respondent Nos.7 and 8.

On behalf of the State-Respondents, Mr. Vaisya, learned Additional Government Pleader (AGP) with Mr. Arindam Chattopadhyay, learned Counsel and Ms. Lipika Chatterjee (Thakur), learned Counsel, appear. Learned State Counsel relies on the Report of the Officer-in-Charge, Mandarmoni Coastal Police Station addressed to the learned Government Pleader/the Respondent No.5 to this writ petition.

The Report, *inter alia*, shows that the local Police Station has made the necessary enquiry, including submitting a requisition to the Block Land and Land Reforms Officer (BL & LRO), Ramnagar-II, Balisai, District-Purba Medinipore. The BL & LRO's Status Report, *inter alia*, states

that out of the total suit land measuring an area of fifty two and half decimals, eighteen decimals stand recorded in the name of the Private Respondent No. 8. The Report further states that the disputes between the parties are civil in nature.

In the backdrop of the above facts, this writ petition is not detained. While the petitioner is permitted to pursue his remedy before the appropriate Ld. Civil Court, the Respondent No.5 shall ensure that construction is made by the Respondent No.8 strictly in terms of the Report of the BL & LRO.

Since affidavits are not invited, allegations made in the writ petition are deemed not to have been admitted.

WPA No. 6635 of 2020 with IA No. 1 of 2020 (Old CAN No. 5486 of 2020) stand accordingly disposed of.

All parties to act in terms of a copy of this order downloaded from the official website of this Court.

(Subrata Talukdar, J.)